

**AUTHORIZATION OF CONVEYANCE
OF COMMONWEALTH LANDS**

Chapter 777

**THE COMMONWEALTH OF MASSACHUSETTS
IN THE YEAR ONE THOUSAND NINE HUNDRED AND SIXTY-
TWO, AN ACT**

**authorizing and directing conveyance of certain lands to the United
States of America.**

WHEREAS, the deferred operation of this Act would tend to defeat its purposes, which is to provide forthwith for the Commonwealth to convey to the United States of America certain lands to effectuate the establishment of the Cape Cod National Seashore, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Commissioner of Public Works, acting in the name and on behalf of the Commonwealth, is hereby authorized and directed to convey, without consideration, to the United States of America, all the right, title and interest of the Commonwealth in and to so much of the Province Lands in the Town of Provincetown, except that part thereof which is described in Chapter Seven Hundred and One of the Acts of Nineteen Hundred and Sixty-two, and to so much of any other lands under the jurisdiction or control of the Department of Public Works in the Town of Truro, including, in each instance, buildings thereon and lands covered by water, as is situated within the boundaries of the Cape Cod National Seashore, as described in Section One of Public Law 87-126.

SECTION 2. The Commissioner of Natural Resources, acting in the name and on behalf of the Commonwealth, is hereby authorized and directed to convey without consideration to the United States of America, all the right, title and interest of the Commonwealth and to so much of the Pilgrim Spring State Park and, in and to so much of any other land under the jurisdiction or control of the Department of Natural Resources in the town of Truro, including in each instance buildings thereon and lands covered by water, as is situated within the boundaries of the Cape Cod National Seashore as described in Section One of Public Law 87-126.

SECTION 3. The Deed of Conveyance under Section One shall provide

(1) That a portion of the lands so conveyed is subject to a lease between the Commonwealth and the Town of Provincetown, dated January second, Nineteen Hundred and Sixty-one, for public airport and access purposes;

(2) That such additional area as shall be agreed upon between the Secretary of the Interior, or his designee, and the Town of Provincetown,

acting through its Airport Commission, shall be made available by lease or otherwise to said Town for public airport and access purposes;

(3) That such area as may be agreed upon between the Secretary of the Interior, or his designee, and the said Town acting through its duly authorized representative, shall be made available to said Town for dumping purposes;

(4) That in the case of disagreement under sub-paragraphs (2) or (3) of this section, the matter shall be submitted to arbitration, each party to select one arbitrator, and said arbitrators so chosen, to select a third arbitrator, and that the decisions of such arbitrators shall be binding on both parties.

SECTION 4. The Deeds of Conveyance under Sections One and Two shall provide

(1) That the jurisdiction of the United States of America over and within the lands so conveyed shall be proprietary only; that the Commonwealth shall continue to exercise all of the jurisdiction, power and authority possessed by it on or before the effective date of this Act over and within the land so conveyed, including the right to serve criminal or civil process, and the right to tax persons and corporations, their franchises and property; and that persons residing on such lands shall have the right to vote at all primaries and elections within the town and county in which said lands are located.

(2) That the Secretary of the Interior may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the Cape Cod National Seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, state and federal law; that said Secretary shall consult with officials of the Commonwealth and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations; that said Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that he shall leave all aspects of the propagation and taking of shellfish to the towns referred to in Section One of Public Law 87-126; and that the fishing rights of the public shall be the same in the coastal waters within the Cape Cod National Seashore as prior to such conveyances.

(3) That the Commonwealth, through the State Reclamation Board and the Cape Cod Mosquito Control Project, or its successor, shall continue to provide for the control of mosquitoes and greenhead flies in the lands so conveyed, and shall have the right to construct and maintain such ditches, culverts, dams and any other installations on the lands so conveyed as may be necessary for the proper control of mosquitoes and greenhead flies.

(4) That if at any time the United States of America fails to use the lands so conveyed for the purposes in said Public Law 87-126, the title to such lands shall revert to and revest in the Commonwealth.

APPROVED July 26, 1962

**TOWN OF EASTHAM
TO
UNITED STATES OF AMERICA
QUITCLAIM DEED
COAST GUARD BEACH AREA**

TOWN OF EASTHAM, a municipal corporation duly organized and existing by law in the County of Barnstable and Commonwealth of Massachusetts, acting by and through its Board of Selectmen, in consideration of these premises, grants to the UNITED STATES OF AMERICA and its assigns with quitclaim covenants that parcel of land and beach known as "Coast Guard Beach" located in Eastham, Barnstable County, Commonwealth of Massachusetts shown as Parcels No. 25, No. 26, No. 27 and No. 31, Block 17, Sheet 4A on the Eastham Assessor's Map bounded and described as follows:

[descriptions of parcels not included]

All of said boundaries, except the water lines, are determined by the Court to be located as shown on subdivision plan 8939-D dated March 5, 1929. . . .

Said land is conveyed subject to the express condition that the Taxpayers of the Town of Eastham and their families shall have the right to use the above described beach and other beaches developed by the National Park Service within the Town of Eastham together with the adjacent parking areas without charge, and reserving to the property owners the right to pass and repass over the same by existing or future ways between the Town Road and the property lying Southerly of the above described premises, and to use said ways as ways are commonly used in the Town of Eastham; and whenever the Cape Cod National Seashore Park Service does not use the same for the purposes as stated, said beach and land are to revert to the Inhabitants of the Town of Eastham.

After transferring all rights of way and easements in the Town ways, described below, reserving full rights of way to the taxpayers of the Town of Eastham, and their families and/or tenants, the right to use the same as now located and as they may hereafter be relocated by the National Park Service, as ways are commonly used in the Town of Eastham viz: Nauset Road from its intersection with Route 6 running thence Easterly and Northerly a distance of about eight-tenths (.8) mile to the intersection of Doane Road; and Doane Road from the intersection of Nauset Road running thence Easterly and Southerly a distance of about one and one-tenth (1.1) mile to Coast Guard Beach, so called, said roads to be maintained, policed, and kept in good repair by the National Park Service; and whenever the Cape Cod National Seashore Park Service does not use for the purposes as stated, the said Town ways are to revert to the Inhabitants of the Town of Eastham.

The Vote of the Inhabitants of the Town of Eastham in meeting assembled February 18, 1963 authorizing this conveyance is attached hereto.

Intending hereby to convey with quitclaim covenants to the United States of America and its assigns, all right, title or interest which the grantors may have in the banks, beds and waters of any streams or ponds adjacent to or fronting upon said land in any alleys, roads, streets, ways, strips, gores, or railroad rights of way abutting or adjoining said land, and in any means of ingress or egress appurtenant thereto.

This conveyance is subject to existing easements for public roads and highways, for public utilities, for railroads and pipelines.

Excepting, however, to the Town all aspects of the propagation and taking of shellfish in connection with the above described land and beach. The consideration being nominal, no revenue stamps are required.

In witness whereof the Town of Eastham has caused its seal to be affixed hereto and these presents to be executed for and in its behalf by the undersigned the Board of Selectmen hereunto duly authorized this 3rd day of June 1963.

TOWN OF EASTHAM

BY:

/s/ Maurice W. Wiley

/s/ Luther P. Smith

/s/ Maurice A. Moore

**TOWN OF EASTHAM
TO
UNITED STATES OF AMERICA
QUITCLAIM DEED
NAUSET LIGHT BEACH AREA**

TOWN OF EASTHAM, a municipal corporation duly organized and existing by law in the County of Barnstable and Commonwealth of Massachusetts, acting by and through its Board of Selectmen, for consideration paid, grants to the UNITED STATES OF AMERICA and its assigns all its right, title and interest in and to certain parcels of land situate in Eastham, Barnstable County, Commonwealth of Massachusetts more particularly described as follows:

* * * * *

PARCEL THREE

That parcel of land and beach known as “Nauset Light Beach” comprised of the following Lots:

[lot description not included]

All of said boundaries are determined by the Court to be located as shown on subdivision plan 17649-B dated Sept. 15, 1943. . . .

Containing one acre of land more or less.

Reserving to the taxpayers of Eastham, and their families, the right to use the above described beach and adjacent waters for swimming, the adjacent parking area, and without charge. Provided however, that whenever the Cape Cod National Seashore Park Service does not use the same for purposes as above stated, the said beach and land are to revert to the Inhabitants of the Town of Eastham.

* * * * *

PARCEL FOUR

Rights of way and easements in the below described Town way: viz: Cable Road from its' [sic] intersection with Nauset Road and running East to its' [sic] termination at the Atlantic Ocean.

Reserving full rights of way to those persons legally entitled thereto and to the taxpayers of the Town of Eastham and their families and/or tenants the right to use the same as ways are commonly used in the Town of Eastham both now and hereafter over the same.

Provided, however, that said road be maintained, policed and kept in good repair by the National Park Service as a free point of access for the taxpayers of the Town of Eastham and their families and/or

tenants to the bathing beaches; and provided further that whenever the Cape Cod National Seashore Park Service does not use the same for the purposes as stated, the Town ways are to revert to the Inhabitants of the Town of Eastham.

* * * * *

In witness whereof the Town of Eastham has caused its seal to be affixed hereto and these presents to be executed for and in its behalf by the undersigned the Board of Selectmen hereunto duly authorized this 25th day of January 1965.

TOWN OF EASTHAM

BY:

/s/ Fred G. LaPiana, Jr.

/s/ Luther P. Smith

/s/ Maurice A. Moore

Chapter 360
THE COMMONWEALTH OF MASSACHUSETTS
In the Year One Thousand Nine Hundred and Eighty-four

AN ACT CEDING TO THE UNITED STATES OF AMERICA
CONCURRENT JURISDICTION OVER UNITS OF THE NATIONAL
PARK SERVICE IN THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

SECTION 1. The commonwealth hereby cedes concurrent jurisdiction over those lands and buildings hereinafter provided and administered by the National Park Service of the United State Department of the Interior.

The lands and buildings so included are as follows:

* * * * *

(d) Cape Cod National Seashore, in the towns of Chatham, Orleans, Eastham, Truro, Provincetown and Wellfleet, as described in a plan of land titled "Boundary Map, Cape Cod National Seashore", dated February, 1978.

* * * * *

SECTION 2. Said concurrent jurisdiction shall be vested upon acceptance by the United States of America when the Director of the National Park Service files a notice of such acceptance with the governor and the state secretary.

SECTION 3. Exclusive jurisdiction in and over such tracts shall revert to and revest in the commonwealth whenever such tracts shall cease to be used for the purpose set forth in section one.

House of Representatives, December 11, 1984.

Passed to be enacted, s/ Thomas W. McGee,
Speaker

In Senate, December 12, 1984.

Passed to be enacted /s/ William M. Bulger,
President

December 18, 1984

Approved,

/s/ Michael J. Dukakis, Governor

APPENDIX C: INTERRELATIONSHIPS WITH OTHER PLANS AND PROJECTS

Many park management and resource protection issues are closely related to the complex pattern of multiple ownerships and governmental jurisdictions within the boundaries of Cape Cod National Seashore, as well as to activities and land management outside the boundaries. It is the policy of the National Park Service to work cooperatively with other land interests and agencies to identify and implement regionally and locally coordinated resource management strategies.

Major planning efforts by state, regional, and local agencies and organizations may affect how the national seashore is managed; these plans are briefly described below. Major plans prepared by the national seashore that will provide detailed recommendations for future actions under the policy guidance of this approved *General Management Plan* are also described.

STATE PLANS

Massachusetts Coastal Zone Management Program — The *Massachusetts Coastal Zone Management Program and Final Environmental Impact Statement* (Massachusetts 1978) oversees the wise allocation of coastal resources, from economic development and harbor revitalization to the protection of important ecological resources. The Coastal Zone Management Office has no direct regulatory role, but the agency conducts a review of all direct federal actions for consistency with the state plan. Coastal zone management policies are generally compatible with NPS management policies and guidance.

The Massachusetts Aquaculture Strategic Plan and White Paper □

The 1995 *Strategic Plan* is a coordinated five-year action plan that forms a framework to support both public and private aquacultural activity and to encourage the growth of this industry. The document explains the status of aquaculture in the state and provides an overview of inland and marine aquaculture. Aquaculture growth will be proposed both within and outside the national seashore. The plan is the centerpiece of the state's planning and management framework to encourage this industry.

Guidelines for Barrier Beach Management in Massachusetts — The 1994 guideline for managing barrier beaches, which was developed by the Massachusetts Barrier Beach Task Force, is to be used as a reference tool by beach managers. Its purpose is to provide an ecosystem-based management approach that fosters responsible use and the protection of barrier beaches.

Statewide Comprehensive Outdoor Recreation Plan — The 1988 Massachusetts *Statewide Comprehensive Outdoor Recreation Plan* identifies trail-based, water-based, and other natural resource-based

activities as categories that should receive the highest priority in statewide recreation planning. The top five issues in the Cape and Islands region are as follows:

- (1) development and expansion of ocean access
- (2) development and expansion of water-based recreation
- (3) maintenance of existing recreation facilities
- (4) acquisition and protection of wildlife habitat
- (5) expansion of access for people with disabilities

Other priorities are the protection of cultural areas, the expansion of trail corridors, and access to inland waterways. Spending for conservation areas was preferred over spending for recreation areas.

Recommendations associated with the *General Management Plan* will contribute to and advance many of the recreation priorities identified in the statewide plan.

Massachusetts Landscape Inventory — The 1982 *Massachusetts Landscape Inventory* analyzes scenic areas throughout the state and provides an outline for land acquisition and protection efforts by local, state, and federal agencies, as well as by private organizations. Scenic areas in this inventory include the Great Beach, the Province Lands, the Cape Cod Bay coastline, Nauset Marsh, Pleasant Bay, and Monomoy Island. The national seashore is actively managing and protecting many of these scenic resources, and the proposed management plan would strengthen this protection and advocate recognition and support for these values outside park boundaries.

Historic and Archeological Resources of the Cape and Islands — The Massachusetts Historical Commission's planning study for this region was prepared in 1987. It provides an information base from which preservation decisions can be made by the state historic preservation office and others. The study includes a topographic and a prehistoric overview, descriptions of settlement and social and economic development, and a summary of historical development. The final section includes management recommendations for prehistoric and historic resources and for protection of resources by various governmental entities.

REGIONAL AND LOCAL PLANS

Cape Cod Commission Regional Policy Plan — The legislative purpose of the Cape Cod Commission is to further the conservation and preservation of natural resources, to provide for sufficient capital facilities, and to preserve historical, cultural, and recreational values of Cape Cod. The 1996 *Final Regional Policy Plan for Barnstable County*, which revised and updated the initial 1991 plan, is both a planning and a regulatory

document that contains planning objectives to guide development and regulatory policies that the commission applies to proposed projects of regional impact.

Local Comprehensive Plans — The Cape Cod Commission Act requires each town to develop a local comprehensive plan to identify localized land use and resource issues and to develop policies and recommended actions to address those issues. The six towns within the national seashore are at various stages in completing these plans: the Truro plan was approved in 1994, and the Wellfleet plan in 1995; Eastham began planning in 1994, Chatham and Orleans in 1995, and Provincetown in 1996. The development of these local plans provides an ongoing opportunity for the Park Service to coordinate its management objectives and strategies with local programs.

A “2020” Vision, Long Range Transportation Plan for Cape Cod — The 1995 *Long Range Transportation Plan*, developed by the Cape Cod Commission, establishes Capewide transportation priorities in response to the Intermodal Surface Transportation Efficiency Act of 1991. The plan inventories roads, buses, airports, and ferries, and it describes their interrelationships. A transportation model was developed for the Cape to help evaluate future growth scenarios. In accordance with the federal act, the plan seeks to reduce reliance on single-occupant automobiles, create transportation alternatives, and promote nonmotorized transportation corridors, such as bikeways and pedestrian routes.

While Cape Cod National Seashore has limited ability to unilaterally affect transportation patterns and systems on the Cape, it has a substantial opportunity to be a cooperative partner in helping implement regional strategies.

The Outer Cape Capacity Study — This 1996 study, by the Cape Cod Commission/ Land Use Collaborative, has developed an analytical model to measure the ability of the Outer Cape to grow and sustain itself, based on key local resources, including water supplies, road systems, town services, tax burden, and the protection of sensitive natural resources. The study addresses the following questions: (1) How much additional growth can be accommodated before the quality of natural or service systems is degraded? (2) What would be the demand on natural and municipal resources with full “buildout” under current zoning? and (3) What costs are associated with either restricting growth or supplementing limited resources?

The model predicts substantial impacts of regional growth, particularly increases in traffic and traffic-related problems. Cape Cod National Seashore’s responsibility to protect natural resources and to provide public use opportunities could also be negatively affected by these growth trends. This *General Management Plan* will support NPS efforts to address the impacts of growth and would contribute to local and regional efforts to comprehensively manage growth on the Outer Cape.

Lower Cape Water Management Task Force “Final Report of Recommendations” — The national seashore staff cooperated with the Cape Cod Commission and four of the Outer Cape towns in a Lower Cape Water Management Task Force, which worked to develop a comprehensive water management study focusing on regional freshwater quantity and quality issues. A final report published in 1996 addresses groundwater issues of regional concern and evaluates potential municipal well sites in Eastham, Wellfleet, Truro, and Provincetown.

Designing the Future to Honor the Past: Design Guidelines for Cape Cod — The 1994 design guidelines, prepared by the Cape Cod Commission/Community Vision, Inc., are intended to ensure that future development is compatible with Cape Cod’s distinctive character. Preserving and enhancing the built environment is one of the management objectives of Cape Cod National Seashore both within and outside its boundaries. The guidelines are a reference for local property owners, towns, and the National Park Service concerning the design and management of the built environment.

Provincetown Municipal Airport 1991 Master Plan and continuing environmental impact assessment — The *Provincetown Municipal Airport 1991 Master Plan* is a three-volume document that describes desired long-term improvements for the airport, including an airport layout plan. It supersedes the 1972 *Master Plan*. The plan identifies possible facility improvements with consideration of financial, community, aviation safety, and environmental concerns. The summary identifies four key study objectives:

- (1) not altering the existing scale, character, and role of the airport
- (2) providing the facilities to ensure an adequate level of commuter airline service, including summer months
- (3) continuous coordination with the National Park Service as the underlying landowner, and full consideration of environmental issues
- (4) an estimate of the economic impact of the airport to verify benefits and justify costs

Several of the facility improvements can be implemented without further environmental impact assessment, according to federal, state, and regional requirements; some have been completed, are in progress, or may be completed in the future. Several potential facility improvements were significant enough to warrant the preparation of an environmental impact statement / environmental impact report. These improvements include the development of additional airplane parking aprons, runway safety areas, and runway extension alternatives. The draft document is now being prepared and is expected to be released to the public in 1997 or 1998. [update]

Affordable Housing on the Lower Cape: Needs, Resources and Strategies — With thousands of summer tourists and year-round retirees, the Outer Cape area has a continual lack of adequate, affordable housing. This 1993 study by the Lower Cape Cod Community Development Corporation explores the regional need for affordable housing and identifies existing resources and potential strategies to expand housing availability. With extensive seasonal staffing needs, Cape Cod National Seashore is both a major provider and beneficiary of affordable housing in the region. The availability of affordable housing also affects the national seashore's ability to attract qualified employees.

NPS PLANS

The following plans (with the exception of the 1970 *Master Plan*) are some of the key action plans for the future management of Cape Cod National Seashore. This *General Management Plan* provides the overall policy framework and guidance for these plans. Current plans that do not conform with recommendations in the approved plan will be revised.

Cape Cod National Seashore Master Plan — Most of the existing seashore infrastructure and facilities were built in the 1960s. The 1970 *Master Plan* proposed the following actions:

- a bayside interpretive center and beach facility in Wellfleet
- trail development on Great Island (completed)
- redesign and expansion of Herring Cove Beach
- enlarging of the Marconi Beach facility (completed)
- facility development to support access and use of historic sites such as the Penniman house, Fresh Brook Village, the Atwood-Higgins complex, and the Pamet cranberry bog (partially completed)
- Fort Hill historic scene restoration (in progress)
- day parking and trail development at the Pamet River
- day parking and trail development at Paradise Hollow in Wellfleet
- shuttle services to beach areas (partially established)

This *General Management Plan* for the national seashore replaces the 1970 *Master Plan*. However, pertinent recommendations that have been implemented from the former plan continue to be considered.

Resource Management Plan — The 1992 *Resource Management Plan* documents the national seashore's diverse natural and cultural resources, identifies threats to those resources, and prescribes management actions and programs. A total of 51 natural resource and 22 cultural resource action programs are described in the plan.

For natural resources, ecosystemwide inventory and monitoring programs are needed. Major natural resource management priorities are threatened and endangered species, water quality and quantity, fresh- and saltwater wetlands, exotic and pest species, and monitoring of coastal processes. Major initiatives include piping plover protection, pond revegetation programs, restoration of Hatches Harbor, water quality monitoring at ponds and embayments, and air quality monitoring. The *Fire Management Plan* (1994), which is based on the *Resource Management Plan*, describes maintenance practices for fire safety and wildfire prevention. The plan also outlines steps to manage fire as a natural part of the ecosystem.

For cultural resources, management priorities include identifying and documenting significant resources and stabilizing or properly preserving known sites and artifacts. Major initiatives include curatorial storage improvements, historic structure stabilization, archeological resource cataloging, and the identification and management of cultural landscapes.

Land Protection Plan — The *Land Protection Plan* (1989) identifies NPS land interests required to meet the following major objectives:

- providing NPS access to undeveloped lands for resource management purposes
- protecting unimproved private land from development
- exchanging federal lands for more important town or private property
- acquiring private properties exempt from “improved property” status
- providing public access for recreational uses
- acquiring public or private land subject to uses incompatible with the purposes of the national seashore

The plan identifies non-NPS properties in the following four priority categories:

- (1) property needed for park development
- (2) large-lot subdividable private land
- (3) undeveloped private land
- (4) developed private land in sensitive areas

Suggested protection methods include cooperative agreements, zoning regulations, less-than-fee or easement interests, and acquisition of fee title.

Cultural Landscape Report for Fort Hill — The 1995 *Cultural Landscape Report for Fort Hill* provides guidance on the protection and long-term maintenance of the landscape at Fort Hill, as well as providing

information for a site plan being prepared for the Fort Hill area in association with the general management plan for the national seashore. Of particular concern is the need to balance the protection of landscape features in the open, eastern portion of the site (field patterns, stone walls, trails, and ponds) with current maintenance, safety, and visitor needs.

An understanding of the site was gained from an analysis of the long-term administration of the site. Based on the information compiled in documents on the site history and gleaned from the historical maps, plans, and aerial photographs, periods of significance and possible landscape treatment recommendations were identified and illustrative plans were developed.

Guiding Principles of Sustainable Design — The *Guiding Principles of Sustainable Design* (NPS 1993f) is intended to provide a basis for using sustainable practices in facility planning and design, emphasizing the importance of biodiversity, and encouraging responsible development decisions in parks and other conservation areas, particularly where related to ecotourism. This merger of sustainable development and ecotourism provides tremendous opportunities for affecting visitor perceptions of the natural and cultural world, and for developing conservation-oriented values.

The suggested principles to be used in the design and management of park and other visitor facilities emphasize environmental sensitivity in planning, design, construction, operation, and maintenance; the use of nontoxic materials, resource conservation, recycling; and the integration of visitors with natural and cultural settings.

Principles for sustainable design were developed for nine topics: interpretation, natural resources, cultural resources, site design, building design, energy development, water supply, waste prevention, and facility maintenance and operations. While the material is presented in separate sections, the interconnection of all systems and resources is recognized, and resulting development should reflect the blending of disciplines to demonstrate respect for local, regional and global environments.

The Government Performance and Results Act Strategic Work Planning — The Government Performance and Results Act (GPRA) of 1993 seeks to make government both more effective and more efficient. The value of achieved results is the “return on investment” made in the National Park Service by Congress and the American public.

The implementation of GPRA is a continuing process. First, each park area develops mission goals, which describe the desired resource conditions, public enjoyment, and visitor experiences. By achieving these goals, the park’s purpose will be fulfilled, its significance maintained, and its mandates met. Mission goals are comprehensive and for perpetuity; they are not quantifiable. In addition, each park sets long-term and annual performance goals; for Cape Cod National Seashore these would include the implementation of strategies and actions

proposed in the general management plan. Each park area is required to complete a six-year strategic plan, containing both servicewide and park mission goals, by September 30, 1997. **[update]**

The draft mission goals for the national seashore include the following:

Goal Category 1: Preserve Park Resources

- **Mission Goal 1a:** Natural and cultural resources and associated values are protected, restored, and maintained in good condition and managed within their broader ecosystem and cultural context.
- **Mission Goal 1b:** Cape Cod National Seashore contributes to knowledge about natural and cultural resources and associated values (including biodiversity); management decisions about resources and visitors are based on adequate scholarly and scientific information.
- **Mission Goal 1c:** The quality and scale of development is of an appropriate traditional character.
- **Mission Goal 1d:** Visitors and residents participate in customary activities.

Goal Category 2: Provide for the Public Enjoyment and Visitor Experience of Parks

- **Mission Goal 2a:** The public safely enjoys and is satisfied with the availability, accessibility, diversity, and quality of park facilities, services, and appropriate recreational opportunities that are compatible with the resources, history, and sociology of Cape Cod.
- **Mission Goal 2b:** The public understands and appreciates the preservation of Cape Cod, and its natural and cultural resources, history, and sociology.

Goal Category 3: Ensure Organizational Effectiveness

- **Mission Goal 3a:** Cape Cod National Seashore uses best business practices and management techniques.
- **Mission Goal 3b:** Cape Cod National Seashore increases its managerial capabilities through initiatives and support from other agencies, organizations, and individuals.

Goal Category 4: Strengthen and Preserve Natural and Cultural Resources and Enhance Recreational Opportunities through Partnerships.

- **Mission Goal 4a:** Natural and cultural resources owned by others are conserved through partnership initiatives.
- **Mission Goal 4b:** Natural and cultural resources owned by the National Park Service are conserved through partnership programs.

- **Mission Goal 4C:** Assisted through federal funds and programs, the protection of recreational opportunities is achieved through formal mechanisms to ensure continued access for public recreational use.
- **Mission Goal 4c:** Through partnerships recreational and educational opportunities for the public are provided or enhanced.

REQUIRED PLANS AND STUDIES

Following is a summary of the major plans and studies proposed in this document. Costs for each plan or study will depend on the scope of the project, which in turn will be affected by available funding at the time the project is initiated. Plans and studies done by national seashore staff will have a minimal cost and may be covered by annual operating funds. Contracted studies will be more expensive; for example, costs could range from \$50,000 for a survey to identify additional historic buildings to \$100,000 or more for a survey to identify submerged cultural resources. (Note: Because some plans can be done by national seashore staff, not all plans and studies are included in the cost estimate table.)

NATURAL RESOURCES

Studies

- The impacts from municipal supply wells, adjacent to seashore property
- The impacts of groundwater withdrawal on estuarine salt balance
- The impacts of aquaculture on water quality
- The biological effects of air pollution
- The abundance, distribution and potential impacts of exotic species on native biota and physical processes

Plans/Environmental Assessments

- Hatches Harbor restoration
- Herring River restoration
- Pamet River restoration
- Pilgrim Lake restoration
- Pond management plans
- Heathlands management plan
- Threatened/endangered species conservation plan
- Exotic species control plan
- Pest management plan

CULTURAL RESOURCES

- Ethnographic study
- Historic structures preservation guide
- Survey to identify additional historic buildings

- Survey to identify additional cultural landscapes
- Survey to identify historic archeological sites
- Survey to identify submerged cultural resources

PUBLIC USE

- Comprehensive trail plan
- Research to establish indicators and standards, leading to a monitoring program and proposals for specific management actions within each management zone and to address carrying capacity associated with human experience and resource protection
- Herring Cove site plan / environmental assessment
- Fort Hill site plan/environmental assessment
- North Truro air force station site plan / environmental assessment
- Pamet cranberry bog site plan / environmental assessment

LAND USE / PROTECTION

- Revised zoning bylaws jointly developed with local communities to update existing bylaws and NPS guidelines for the redevelopment of improved properties
- Agreement with local communities to develop a joint process for site plan development and review for municipal land within the national seashore

NATIONAL SEASHORE OPERATIONS

- Comprehensive action plan to incorporate sustainable practices into national seashore operations
- Study of administrative and maintenance space needs
- Study of staff housing needs in conjunction with periodically updating the *Housing Management Plan*

APPENDIX E: ESTIMATED COSTS

This *General Management Plan* is programmatic in that it gives guidance for future decision making regarding resource protection, interpretation, public use, and development. However, the plan does outline a number of specific activities that are likely to take place throughout the life of the plan. In many cases the plan specifies that further planning and research are necessary before an action can take place. In other cases an action may be undertaken within the one to five years following the completion of the plan. Because projecting costs over very long periods of time (15–20 years) often results in distorted and unreliable figures, cost estimates have been focused on a limited period of time. The cost estimates that follow are for planning and construction projects that are likely to take place within the next one to five years. The cost estimates for proposed activities requiring further planning and research will be prepared upon completion of the study, plan, or environmental assessment for a given project. It should be noted that the national seashore is currently operating with an annual maintenance shortfall of about \$375,000. Current budget conditions for operations and maintenance should be acknowledged in reporting the national seashore's fiscal situation. This annual operating budget shortfall includes materials, equipment, and maintenance of vehicles, buildings, landscape, and facilities (e.g., an estimated \$50,000 annual shortfall for historic structure maintenance).

Due to the emphasis of the plan on working cooperatively with local towns, agencies, and friends-of-the-park groups to resolve issues of mutual concern, it is anticipated that some costs will be shared for programs, such as interpretation and resource management. This could reduce some capital and operational costs of the national seashore. Estimated costs for the proposed plan are shown in table E-1, staffing requirements in table E-2.

TABLE E-1: COST ESTIMATES □ GENERAL MANAGEMENT PLAN

NOTE: Construction costs are class 1997 conceptual C estimates, which are considered by NPS construction and cost estimating specialists to be accurate within 15% to 20% of actual costs. They are based on square footage costs of similar construction or identifiable unit costs of similar construction items; they have been prepared without construction drawings or specifications. Construction costs are estimated to increase by 3% per year, based on *Engineering News Record* cost indexes.

PROJECT	GROSS CONSTRUCTION COST		PLANNING COST		TOTAL PROJECT COST	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Phase 1: Research / Management Planning						
Kettle pond management plan			75,000	100,000	75,000	100,000
Heathlands management plan			30,000	50,000	30,000	50,000
Pilgrim Lake ecological assessment			50,000	75,000	50,000	75,000
Ethnographic study			40,000	65,000	40,000	65,000
Submerged archeological survey			50,000	100,000	50,000	100,000
Historic structures maintenance plan			60,000	60,000	60,000	60,000
Regional transportation plan (with Cape Cod Commission)			50,000	75,000	50,000	75,000
Comprehensive trail plan			50,000	75,000	50,000	75,000
Phase 1: Construction						
Changeable message sign program	65,500	327,500	12,500	62,500	78,000	390,000
Develop kiosk at Monomoy	2,400	3,300	500	600	2,900	3,900
Interpretive waysides for cultural landscape	65,500	131,000	12,500	25,000	78,000	156,000
Upgrade five beach facilities	1,282,500	1,282,500	244,800	244,800	1,527,300	1,527,300
Salt Pond visitor center: Visitor access and health improvements	2,452,300	2,452,300	468,000	468,000	2,920,300	2,920,300
Former North Truro air force station: Demolish unneeded/unstable buildings	144,100	327,500	27,500	62,500	171,600	390,000
Upgrade septic treatment facilities parkwide	812,200	1,506,500	155,000	287,500	967,200	1,794,000
Subtotal: Phase 1	4,824,500	6,030,600	1,325,800	1,750,900	6,150,300	7,781,500
Phase 2: Research / Management Planning						
Cultural landscape reports:						
• Cranberry bog house			25,000	40,000	25,000	40,000
• Atwood-Higgins complex			25,000	40,000	25,000	40,000
• Dune shacks district			30,000	60,000	30,000	60,000

PROJECT	GROSS CONSTRUCTION COST		PLANNING COST		TOTAL PROJECT COST	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Historic furnishings reports: • Penniman house • Old Harbor Life-saving Station			35,000 35,000	55,000 55,000	35,000 35,000	55,000 55,000
Phase 2: Construction						
Former North Truro air force station: Rehabilitate a portion of the Highlands center as NPS seasonal housing	989,100	989,100	188,800	188,800	1,177,900	1,177,900
Rehabilitate historic structures: • Atwood-Higgins house • Old Harbor Life-saving Station • Penniman house and carriage barn	299,100 577,800 820,600	299,100 577,800 820,600	57,100 110,300 156,600	57,100 110,300 156,600	356,200 688,100 977,200	356,200 688,100 977,200
Develop formalized dune access in the Province Lands	399,600	685,100	76,300	130,800	475,900	815,900
Develop small parking areas along scenic routes	74,700	149,300	14,300	28,500	89,000	177,800
Develop heathlands loop trail	22,300	72,100	4,300	13,800	26,600	85,900
Develop a group picnic area	131,000	393,000	25,000	75,000	156,000	468,000
Demolish and remove selected non-historic buildings	147,400	221,100	28,100	42,200	175,500	263,300
Bury NPS-owned utility lines	796,500	796,500	152,000	152,000	948,500	948,500
Subtotal: Phase 2	4,258,100	5,003,700	962,800	1,205,100	5,220,900	6,208,800
Total	9,082,600	1.1e+07	2,288,600	2,956,000	11,371,200	13,990,300

TABLE E-2: PROJECTED ADDITIONAL OPERATIONS AND MAINTENANCE COSTS

OPERATIONS (STAFFING)	FTE	SALARY OR ANNUAL COST
Additional Permanent Full-Time		
Partnership Coordinator (GS-13)	1.0	\$74,200
Database Management Specialist (GS-11/12)	1.0	52,100
Hydrologist (GS-12)	1.0	62,400
Volunteer Coordinator (GS-09)	1.0	43,100
Education Outreach Coordinator (GS-09)	1.0	43,100
Park Ranger (Resource Management Outreach) (GS-09)	1.0	43,100
Park Ranger (Cultural Resource Interpreter) (GS-09)	1.0	43,100
Park Ranger (Morris Island/Monomoy) (GS-09)	1.0	43,100
Clerk Typist (GS-04)	1.0	25,400
Licensed Water and Wastewater Plant Operator (WG-10)	1.0	42,200
Woodcrafter (WG-10)	<u>1.0</u>	<u>42,200</u>
Subtotal	11.0	\$514,000
Seasonal/Temporary*		
Park Rangers (Interpreters) (GS-5/7)	1.2	\$26,200
Custodians (WG-05)	1.8	45,700
Maintenance Workers (WG-05)	1.2	30,500
Fire Technician (Ecological Monitoring) (GS-9)	<u>0.8</u>	<u>22,100</u>
Subtotal	5.0	\$124,500
Total Additional Personnel	16	\$638,500
ADDITIONAL OPERATIONS AND MAINTENANCE (including \$375,000 annual backlog)		\$615,000
Total Additional Costs		\$1,253,500
EXISTING OPERATIONS AND MAINTENANCE COSTS		
Staffing	103.5	\$3,500,000
Maintenance		<u>1,000,000</u>
Subtotal □ Existing costs		<u>\$4,500,000</u>
Total Operations and Maintenance Costs		\$5,753,500

NOTE: The annual salary cost includes all employee benefits.

* Seasonal employee = 0.3 FTE (4 months).

The Town of Provincetown Responds to the General Management Plan for Cape Cod National Seashore

A report submitted to the Cape Cod National Seashore Advisory Commission, through its General Management Plan Subcommittee November 21, 1997

The Town of Provincetown and its people are glad that Cape Cod National Seashore exists. Provincetown's greatest concern, however, is that resource management decisions made by the Seashore will affect the quality of the Town's existence and survivability as a community. The General Management Plan must provide long-term assurance that Provincetown's existence is not at risk, and provide for institutionalized cooperation between our two levels of government. This report to the Cape Cod National Seashore Advisory Commission is offered for inclusion in the General Management Plan document. The complete written comments of the Provincetown Board of Selectmen dated December 31, 1996 and August 29, 1997 are incorporated herein by reference.

THE NATURE OF THE RELATIONSHIP

The Town of Provincetown holds that the nature of the relationship between the Town and Cape Cod National Seashore should be a truly collaborative one, which recognizes that we are two units of government occupying the same geographic area. Fundamentally, we have a shared legal responsibility for solving problems and making decisions, which the General Management Plan should reflect. From the Town of Provincetown's perspective, that relationship includes a recognition of all of the following:

- ⇒ that the existence of the Town of Provincetown as a community and the interaction of its people with the Province Lands both predate the establishment of Cape Cod National Seashore;
- ⇒ that the Cape Cod National Seashore Act not only recognizes as one of its founding principles the maintaining of the way of life enjoyed by Provincetown residents in the Province Lands, but also granted specific rights to the Town of Provincetown and its people found in the 1963 deed of conveyance of the Province Lands from the Commonwealth of Massachusetts to the United States of America;
- ⇒ that an active community of people which lies almost entirely within a unit of the National Park Service is a circumstance which requires collaboration and intergovernmental cooperation between the Town, its people, and the Seashore in ways which may be unique or even without precedent for the National Park Service;
- ⇒ that the Town of Provincetown, all of the Towns on the Outer Cape, and Cape Cod National Seashore have shared responsibilities for stewardship of this portion of Cape Cod, its resources, and its people, which require that decisions be made in the best interests of those resources and its people; and
- ⇒ that, in order to preserve the rights of our citizens under our democratic forms of government, the process by which decisions are made by Cape Cod National Seashore is as important as the decisions themselves; and that the Town and the Seashore shall both commit to open and inclusive decision-making processes in matters which are of common concern.

Institutionalized Intergovernmental Cooperation

The Town of Provincetown and Cape Cod National Seashore are committed to identifying models for institutionalized intergovernmental cooperation, which might be adapted for our use on Cape Cod. In this process we should not rule out crafting some new model that might even need congressional authorization. The Town of Provincetown proposes that the General Management Plan reflect a two-tier system of intergovernmental relations between the Town and Cape Cod National Seashore. The first tier would pertain to those circumstances where deed restrictions or other specific legal parameters exist. In the first tier for Provincetown should be the 1963 deed of conveyance of the Province Lands from the Commonwealth to the Secretary of the Interior, which contained several deed restrictions, including ones making land available to the town for public airport and access purposes and for dumping purposes, as well as hunting, fishing, and shellfishing rights for the public. The second tier would seek to describe a more general relationship between the Town and the Seashore, seeking to describe what factors or guiding principles affect decisions on an issue-by-issue basis.

Legislative History and the Way of Life

Legislative History. The Town takes exception to the version of the legislative history included in the General Management Plan, which does not present as accurate an interpretation as ours did on the Seashore's three-fold purpose to balance preservation of the environment, allowing reasonable public access, and preservation of local ways of life.

Preserving a way of life. The community's expectation-- as gleaned from *our* review of the legislative history, in particular-- was that special consideration would be given to residents over visitors in matters affecting our cultural heritage and traditional uses. This special status was part of the original deal. We are not just another stakeholder; the GMP should reflect that.

RESOURCE MANAGEMENT ISSUES

Fulfilling Restrictions in the 1963 Deed of Conveyance

The restrictions contained in the 1963 deed of conveyance of the Province Lands from the Commonwealth to the Secretary of the Interior included ones making land available to the town for public airport and access purposes and for dumping purposes, as well as hunting, fishing, and shellfishing rights for the public. Of those, we wish to highlight the following:

Dumping Purposes. Provincetown and the Park Service have come to a solution on solid waste disposal, with the land exchange proposed in H.R. 2411. This deal needs to be implemented. Solving the Town's needs for wastewater disposal must also be part of a collaborative decision-making process involving the Seashore.

Airport. The deed recognizes the right of the airport to be located within Cape Cod National Seashore, and a reasonableness standard should be applied to how compatible the airport is with Seashore uses. The GMP should also recognize the collaborative decision-making contained in the Memorandum of Understanding between the Town and the Seashore on the Hatches Harbor Saltmarsh Restoration Project and Provincetown Municipal Airport. The airport is also part of the broader issue of transportation, which includes use of roadways.

Aquaculture. The Seashore needs to be clearer about specifying where they have authority and responsibility for aquaculture and where they do not. The National Park Service is an upland owner, and has rights as such, but the Commonwealth of Massachusetts is preeminent in this area; and state statute devolves responsibility to local communities for shellfishing and aquaculture.

Managing Resources

Water. This most critical resource management issue affecting Provincetown should be managed in the best interests of that resource, irrespective of political boundaries. We have appreciated the Seashore's collaboration in the Lower Cape Water Study, and look forward to developing a long-term plan for withdrawal of water from wells at the former North Truro Air Force Station property.

Public Safety. Public safety and impact on how access is regulated to facilities, and traditional places of use are important concerns for the Town of Provincetown. We commend to Cape Cod National Seashore the problem-solving approaches of Community-Oriented Policing, which the Town of Provincetown adopted in 1992. The Town stands ready to work with the Seashore to implement this philosophy, both in its management of its own personnel as well as through its public safety agreements with Towns on the Outer Cape.

Historic Preservation. The park service should be obliged to preserve historical structures including but not limited to the dune shacks. In our view, using pre-existing structures for NPS administrative purposes (including employee quarters) is contrary to preservation of local ways of life.

Final Environmental Impact Statement. The Town of Provincetown restates its dissatisfaction with the inability for the public to review and comment on the revised draft Environmental Impact Statement regarding the GMP prior to publication of its final version, since the FEIS will significantly impact the resource management issues of greatest concern to the Town.